

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MARILYN POWELL,

Petitioner,

v.

3:05-cr-007  
3:07-cv-146

UNITED STATES OF AMERICA,

Respondent.

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum Opinion, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**E N T E R:**

s/ Thomas W. Phillips

United States District Judge

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT